

IN RE: PETITION FOR ADMIN. VARIANCE
N/S Kittyhawk Road, 233' E of
the c/l of Wilbur Street
(1826 Kittyhawk Road)
15th Election District
5th Councilmanic District
David Sheffer, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-415-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance filed by the owners of the subject property, David and Betty Sheffer. The Petitioners request relief from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 18 feet in lieu of the required front average of 26 feet for an enclosed porch in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 407.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property is located within the Chesapeake Bay Critical Areas near Stemmers Run and as such, is subject to any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) as to compliance with Critical Areas legislation. The granting of the relief requested is contingent upon Petitioners submitting a findings plan for review and approval by DEPRM prior to the issuance of any permits.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of June, 1993 that the Petition for Administrative Variance requesting relief from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 18 feet in lieu of the required front average of 26 feet for an enclosed porch, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Compliance with any recommendations made by DEPRM upon completion of their review of this project.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

June 30, 1993

(410) 887-4386

Mr. & Mrs. David Sheffer
1826 Kittyhawk Road
Baltimore, Maryland 21221

RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S Kittyhawk Road, 233' E of the c/l of Wilbur Street
(1826 Kittyhawk Road)
15th Election District - 5th Councilmanic District
David Sheffer, et ux - Petitioners
Case No. 93-415-A

Dear Mr. & Mrs. Sheffer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM

People's Counsel; File

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1826 KITTYHAWK ROAD, ESSEX, MD. 21221

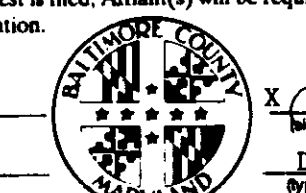
ESSEX, MD. 21221

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate herein or prepare affidavit):

1. THIS AREA LENDS ITSELF TO THE UTILIZATION OF EXISTING FACILITIES AND LAND WITHOUT INTERRUPTION OR MAJOR ALTERATIONS TO THE PRESENT FLOOR PLAN PATTERNS.
2. INSULATE AND REDUCE HEATING BILLS.
3. REDUCE OUTSIDE NOISE.
4. A PLACE TO SIT OUT AND NOT BE CONCERNED WITH THE WEATHER, BUGS; MOSQUITOES, FLYS, ETC.
5. IMPROVE APPEARANCE OF HOUSE.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay reposting and advertising fee and may be required to provide additional information.

x Betty Sheffer
BETTY SHEFFER
Type or print name



DAVID SHEFFER
Type or print name

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, the 7 day of May, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Betty Sheffer and David Sheffer

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESSES my hand and Notarial Seal.

5-7-93

NOTARY PUBLIC

My Commission Expires: 10-3-95



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 15th Date of Posting: 6/10/93
Posted for: David Sheffer
Petitioner: Betty L. David Sheffer
Location of property: 1826 Kittyhawk Rd. N/S, 233' E of Wilbur St.
Location of Sign: 1826 Kittyhawk Rd. N/S, 233' E of Wilbur St.
Remarks: 1826 Kittyhawk Rd. N/S, 233' E of Wilbur St.
Posted by: M. Schmidt Date of return: 6/10/93
Number of Signs: 1

ZONING DESCRIPTION FOR 1826 KITTYHAWK ROAD, ESSEX, MD. 21221.

ELECTION DISTRICT 15. COUNCILMANIC DISTRICT 5.

BEGINNING AT A POINT ON THE NORTH SIDE OF KITTYHAWK ROAD WHICH IS 50 FEET WIDE AT A DISTANCE OF 233 FEET EAST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET, WILBUR STREET WHICH IS 50 FEET WIDE. *BEING LOT# 7, BLOCK , SECTION# 1 IN THE SUBDIVISION OF EDGEWATER ADDITION AS RECORDED IN BALTIMORE COUNTY PLAT BOOK# 13, FOLIO# 24, CONTAINING 5200 SQUARE FEET AND .119 ACRES.

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Date 5-26-93 93-415-A JCM

DAVID SHEFFER - 1826 KITTY HAWK RD.
ADMIN. V.
POSTING

03A03W001NICHRC
RA C002127PHDS-26-93

Please Make Checks Payable To: Baltimore County

Cashier Validation

Petition for Administrative Variance 93-415-A to the Zoning Commissioner of Baltimore County

for the property located at 1826 KITTYHAWK ROAD, ESSEX, MD. 21221

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 303.1, B.C.Z.R. TO PERMIT A FRONT YARD SETBACK OF 18' FOR AN ENCLOSED PORCH IN LIEU OF THE REQUIRED FRONT YARD AVERAGE OF 26' of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Correct Purchaser's name: BETTY SHEFFER
Legal Owner(s): BETTY SHEFFER
Signature: [Signature]
Address: 1826 KITTYHAWK ROAD, ESSEX, MD. 21221
City: ESSEX, MD. 21221
State: MD. 21221
Zip Code: 21221
R. L. TICE, AGENT
Signature: [Signature]
Address: 224 8th AVE. N.W., 760-1919
City: GLEN BURNIE, MD. 21061
State: MD. 21061
Zip Code: 21061
PATIO ENCLOSURES, INC.
Address: 224 8th AVE. N.W., GLEN BURNIE, MD. 21061
City: GLEN BURNIE, MD. 21061
State: MD. 21061
Zip Code: 21061

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County that a public hearing be held on the subject matter of this petition at the public hearing, and further to be required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be required.

REVIEWED BY: JCM DATE: 5-26-93
ESTIMATED POSTING DATE: 6-13-93
ITEM #: 429

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JARLON, DIRECTOR

For newspaper advertising:

Item No.: 429
Petitioner: DAVID SHEFFER
Location: 1826 KITTY HAWK RD.
PLEASE FORWARD ADVERTISING BILL TO:
NAME: DAVID SHEFFER
ADDRESS: 1826 KITTY HAWK RD.
BALTO. MD. 21061
PHONE NUMBER: 760-1919

AJ:ggg

(Revised 04/09/93)



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 21, 1993

Mr. and Mrs. David Sheffer
1826 Kittyhawk Road
Essex, MD 21221

RE: Case No. 93-415-A, Item No. 429
Petitioner: David Sheffer, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Sheffer:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on May 26, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

June 15, 1993

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson, Jr.
Development Coordinator, DEPRM

SUBJECT: Zoning Item #429, Sheffer Property
1826 Kitty Hawk Road
Zoning Advisory Committee Meeting of June 7, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area Regulations. The applicant may contact the Environmental Impact Review of the Department at 887-3980 for details.

JLP:KK:sp

SHEFFER/TXTSBB



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

6-3-93

Re: Baltimore County
Item No.: # 429 (JCM)

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: June 10, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 427, 429, 431 and 432.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Division Chief:

PK/JL:lw

427.ZAC/ZAC1

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence

TO: Zoning Advisory Committee

DATE: June 7, 1993

FROM: Captain Jerry Pfeifer

SUBJECT: June 14, 1993 Meeting

#425 No Comments
#426 Building shall comply with the 1991 Life Safety Code
#427 No Comments
#428 Building shall comply with the 1991 Life Safety Code
#429 No Comments
#430 No Comments
#431 No Comments
#432 No Comments

RECEIVED
JUN 8 1993
ZADM

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director
Office of Zoning Administration
and Development Management

DATE: June 22, 1993

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 429
Sheffer Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 1826 Kitty Hawk Road. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME David and Betty Sheffer

APPLICANT PROPOSAL

The applicant has requested a variance from section 303.1, BCZR of the Baltimore County Zoning Regulations to permit a front yard setback of 18 feet in lieu of the required average of 26 feet.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts" <COMAR 14.15.10.01.0>.

RECEIVED
JUN 24 1993
ZADM

Mr. Arnold E. Jablon
June 22, 1993
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 26-449(a)>.

Finding: This property is located approximately 850 feet from the tidal waters of Middle River. No disturbance of the shoreline buffer shall occur.

2. Regulation: "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" <Baltimore County Code, Section 26-447>.

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site. Therefore, no dredging, filling, or construction shall occur in any tidal or non-tidal wetland for this project, and this regulation has been met.

3. Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment" <Baltimore County Code Section 26-452(a)>.

Finding: At present, rooftop runoff does not appear to be collected in rainpouts. In order to comply with the above regulation, rooftop runoff shall be directed through downspouts and into drywells or seepage pits (see attached information). This will encourage maximum infiltration of stormwater and will bring this property into compliance with the 10% rule. Infiltration of stormwater is a recommended Best Management Practice in a "Framework for Evaluating Compliance with the 10% Rule in the Chesapeake Bay Critical Area."

Mr. Arnold E. Jablon
June 22, 1993
Page 3

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations and is therefore approved. If there are any questions, please contact Ms. Patricia W. Farr at 887-3980.

J. James Dieter, Director
Department of Environmental Protection
and Resource Management

JJD:KDK:cm

Attachment

SHEFFER/WQBCA

(410) 887-3353

JUNE 7, 1993

NOTICE OF CASE NUMBER ASSIGNMENT

TO: David and Betty Sheffer
1826 Kittyhawk Road
Essex, Maryland 21221

Re: CASE NUMBER: 93-415-A (Item 429)
1826 Kittyhawk Road
N/S Kittyhawk Road, 233rd E of c/l Wilbur Street
15th Election District - 5th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case, should reference the case number and be directed to 887-3391. This notice also serves as a refrainer regarding the administrative process.

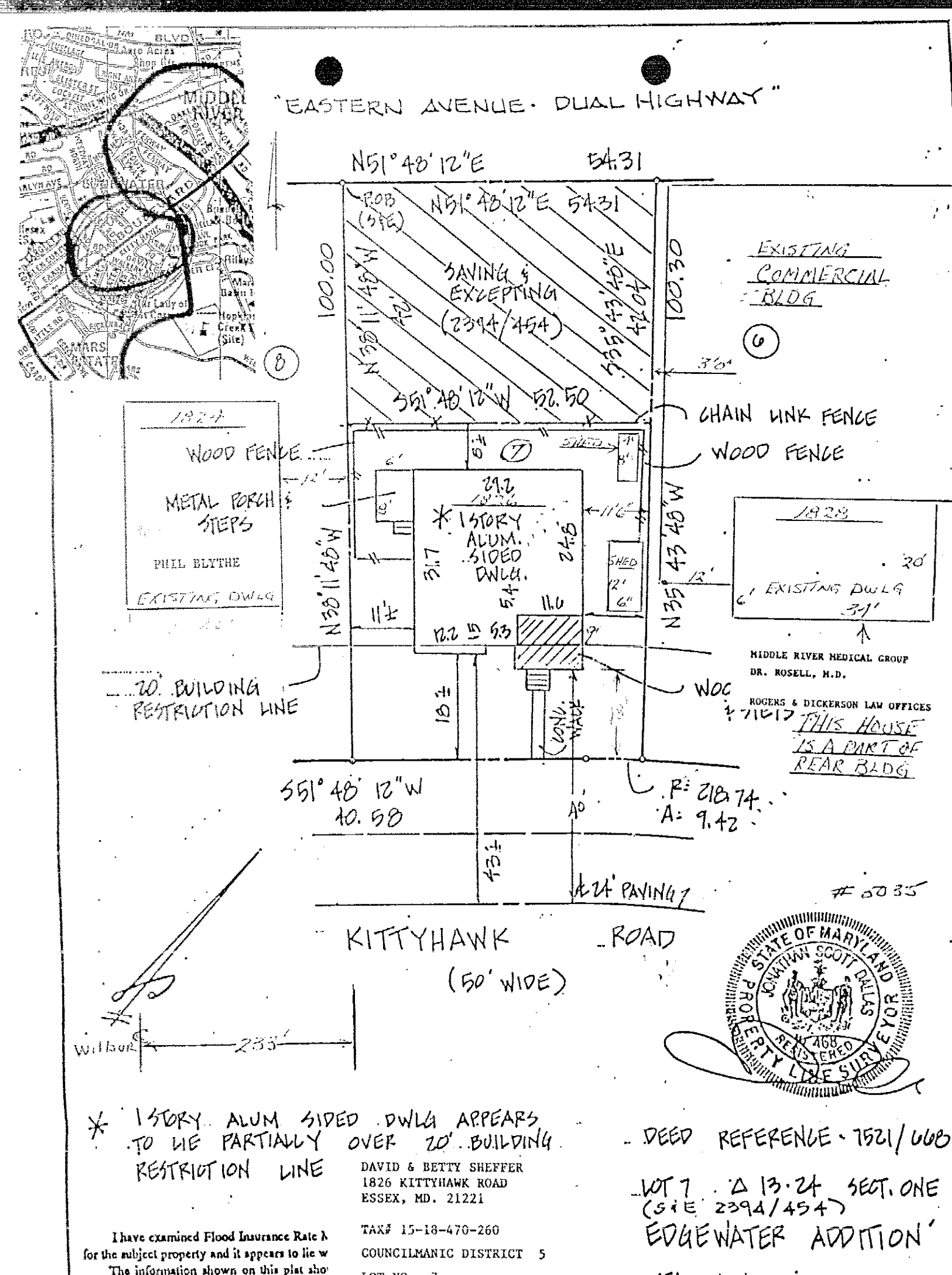
1. Your property will be posted on or before June 15, 1993. The closing date (June 29, 1993) is the deadline for a neighbor to file a formal request for public hearing. After the closing date, the file will be available for a neighbor to file a request for public hearing. They say (a) grant the requested relief, (b) deny the request, (c) deny the request on the basis of the Equal Housing Opportunity Act, (d) deny the request on the basis of the Fair Housing Act, (e) deny the request on the basis of the Fair Housing Act, (f) deny the request on the basis of the Fair Housing Act, (g) deny the request on the basis of the Fair Housing Act, (h) deny the request on the basis of the Fair Housing Act, (i) deny the request on the basis of the Fair Housing Act, (j) deny the request on the basis of the Fair Housing Act, (k) deny the request on the basis of the Fair Housing Act, (l) deny the request on the basis of the Fair Housing Act, (m) deny the request on the basis of the Fair Housing Act, (n) deny the request on the basis of the Fair Housing Act, (o) deny the request on the basis of the Fair Housing Act, (p) deny the request on the basis of the Fair Housing Act, (q) deny the request on the basis of the Fair Housing Act, (r) deny the request on the basis of the Fair Housing Act, (s) deny the request on the basis of the Fair Housing Act, (t) deny the request on the basis of the Fair Housing Act, (u) deny the request on the basis of the Fair Housing Act, (v) deny the request on the basis of the Fair Housing Act, (w) deny the request on the basis of the Fair Housing Act, (x) deny the request on the basis of the Fair Housing Act, (y) deny the request on the basis of the Fair Housing Act, (z) deny the request on the basis of the Fair Housing Act.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Carl Jahn

Arnold Jablon
Director

cc: Patio Enclosures, Inc.



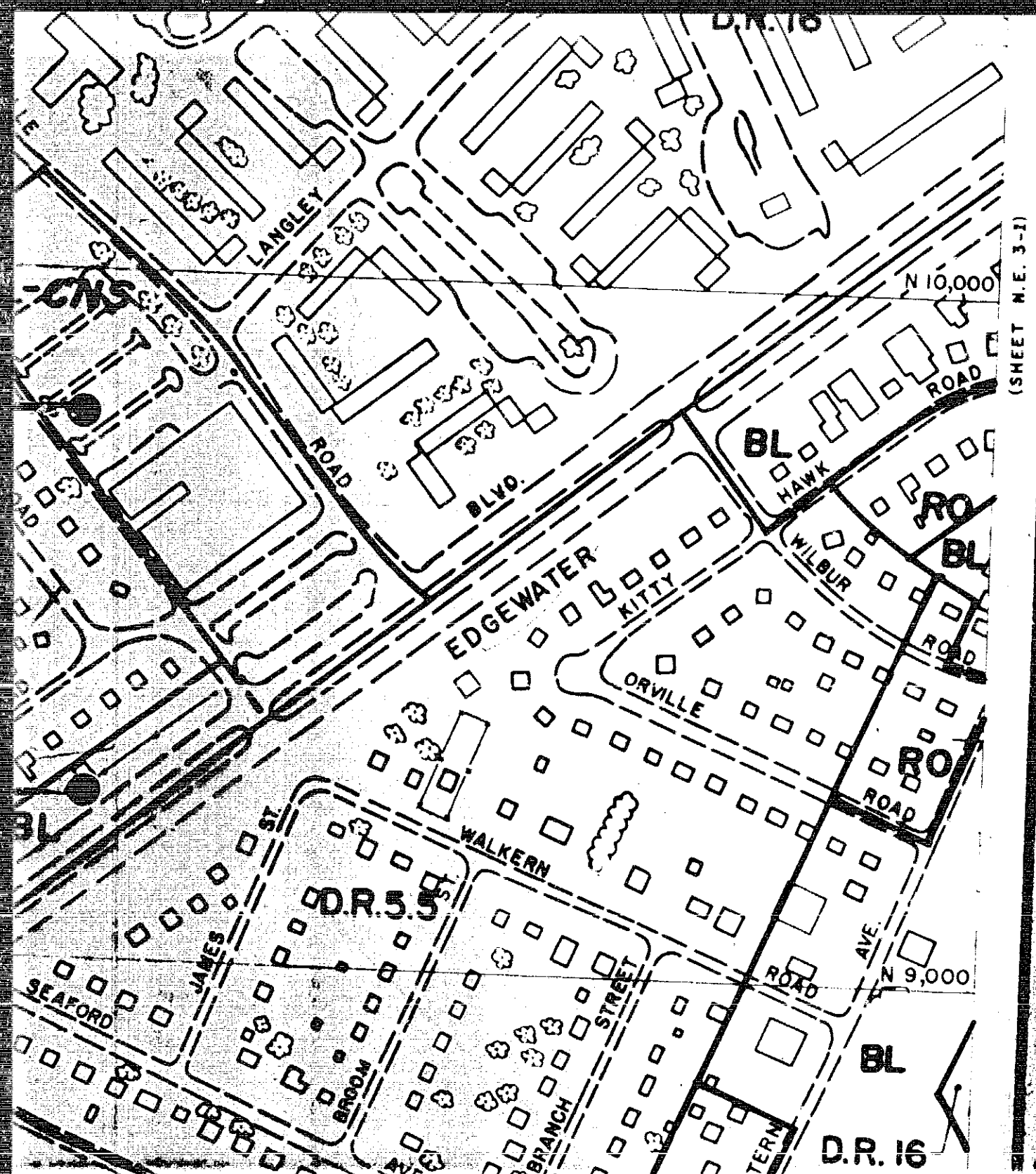
TAX# 15-18-470-260
COUNCILMANIC DISTRICT 5

LOT NO. 7
 SUBDIVISION: EDGEWATER ADDITION
 SCALE 1" = 20'
 ZONE D~~4-5-5~~ *56*
 ELECTION DISTRICT 15
 BOOK 13
 FOLIO 24
 FRONT 50'
 REAR 54'
 S 1 100
 S 2 100
 SQ. FT. 5200 .119 ACRES
 PLOT ATTACHED
 PLAT TO ACCOMPANY ZONING VARIANCE
 200 SCALE MAP - NE 3H
 AERIAL MAP ATTACHED NE 3H
 PUBLIC WATER AND SEWER"

THE FIRST YARD AHEAD

93-415-A

Pat Ex No



THE

NE 34
1/2 sec.

DRAWING NUMBERS

93-415-A

RE COUNTY ANNING AND ZONING GRAPHIC MAP



SCALE
1" = 200' ±

LOCATION

SHEET

DATE
OF
PHOTOGRAPHY
JANUARY
1986

STEMMERS RUN
AERO ACRES

N. E.
3-H

93-415-A